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Planning Commission Staff Report

TO: PLANNING COMMISSION / DESIGN REVIEW BOARD

FROM: SYDNERY BETHEL, PLANNER II *SB*
(480) 503-6721, SYDNEY.BETHEL@GILBERTAZ.GOV

THROUGH: ASHLEE MACDONALD, AICP, PRINCIPAL PLANNER *Am*
(480) 503-6748, ASHLEE.MACDONALD@GILBERTAZ.GOV

MEETING DATE: DECEMBER 2, 2020

SUBJECT: FM20-03 ACERO VAL VISTA SEPARATION FENCE: REQUEST TO APPROVE MODIFICATIONS TO SEPARATION FENCE REQUIREMENTS TO ALLOW A 6' VIEW FENCE ON THE NORTHERN BOUNDARY OF THE SUBJECT SITE ON APPROXIMATELY 13.41 ACRES, GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE MELROSE STREET ALIGNMENT AND QUARTZ STREET, AND ZONED MULTI-FAMILY/MEDIUM (MF/M).

STRATEGIC INITIATIVE: Exceptional Built Environment

This project would allow for unique design in a proposed residential development.

RECOMMENDED MOTION

Make the Findings of Fact and approve FM20-03, Acero Val Vista Separation Fence: FM20-03 ACERO VAL VISTA SEPARATION FENCE: Request to approve modifications to separation fence requirements to allow a 6' view fence on the northern boundary of the subject site on approximately 13.41 acres, generally located at the northeast corner of the Melrose Street alignment and Quartz Street, and zoned Multi-Family/Medium (MF/M).

APPLICANT

Company: IDM Companies
 Name: Andrew Busching
 Address: 6720 N. Scottsdale Rd, Suite 200
 Scottsdale, AZ 85253
 Phone: (480) 977-3457
 Email: Andrew.busching@idmcompanies.com

OWNER

Company: Acero Val Vista LLC
 Name: Andrew Busching
 Address: 6720 N. Scottsdale Rd, Suite 200
 Scottsdale, AZ 85253
 Phone: (480) 977-3457
 Email: Andrew.busching@idmcompanies.com

BACKGROUND/DISCUSSION**History**

| Date | Description |
|--------------------------|--|
| <i>October 23, 2007</i> | Town Council approved annexation (A07-67) under Ordinance No. 2074 for 39.16 acres of land including the subject site, located at the southwest corner of Val Vista Drive and Willis Road. |
| <i>November 13, 2007</i> | Town Council approved rezoning (Z07-101) under Ordinance No. 2084 to rezone 39.16 acres, including the subject site, to Town of Gilbert Regional Commercial (RC) zoning district. |
| <i>February 18, 2020</i> | Town Council approved GP19-06 (Resolution No. 4116) to change the land use classification from Regional Commercial (RC) to Residential > 14-25 DU/Acre. |
| <i>February 18, 2020</i> | Town Council approved Z19-18 (Ordinance No. 2745) to rezone 14.88 acres from Regional Commercial (RC) to Multi-Family/Medium (MF/M). |
| <i>August 5, 2020</i> | Planning Commission approved DR20-58, Acero Val Vista, a new 328 unit multi-family development. |

Overview

The subject site is located at the northeast corner of the Melrose Street alignment and Quartz Street within the Val Vista Medical Growth Area and zoned Multi-Family/Medium (MF/M). A Design Review application for a new 328 unit multi-family development with a combination of one, two and three-bedroom units and a density of 22 DU/Acre on approximately 13.41 acres was approved by the Planning Commission on August 5, 2020 and the construction documents for the development are currently under review. The applicant is requesting that the requirement for an 8' tall solid separation wall per LDC 4.109.2.a on the north side of the property be modified to allow a 6' tall view fence.

Surrounding Land Use & Zoning Designations:

| | Existing Land Use Classification | Existing Zoning | Existing Use |
|-------|---|--------------------------|--|
| North | Regional Commercial (RC) | Regional Commercial (RC) | Existing Congregate Care Living Facilities |
| South | Regional Commercial (RC) | Regional Commercial (RC) | Undeveloped |
| East | General Office (GO) | General Office (GO) | Existing QT Fueling Facility |

| | | | |
|------|--|--|----------------------------|
| West | Public Facility/ Institutional (PF/I) | Public Facility/ Institutional (PF/I) | Campo Verde High School |
| Site | Residential > 14-25 DU/Acre | Multi-Family/Medium (MF/M) | Undeveloped |

Discussion

The Land Development Code (Section 4.109) requires that when a multi-family residential use is adjacent to a single family residential district or use or a nonresidential district or use that an 8' solid separation fence must be provided. The northern and eastern portions of the site abut properties zoned Regional Commercial (RC), triggering the requirement to have separation fences along both perimeters of the site. To the north, both abutting parcels (Verena at Gilbert and the Mariposa Point of Gilbert) are zoned RC but have been development as Congregate Care Facilities that are more residential in nature than traditional types of commercial developments. To the east, commercial projects such as a Quicktrip gas station have developed. The required separation fence to the east has not been requested to be modified.

Per the applicant, the Verena at Gilbert project is fenced using an approximately 6' tall view fence and the Mariposa Point of Gilbert project is unfenced. IDM Apartments is proposing to install a 6' view fence similar to the fence surrounding the Verena at Gilbert project along the project's northern property line. Given the approved landscaping plan for the development, it is the applicant's opinion that the view fence will be a more aesthetically pleasing option, as compared to an 8' tall masonry wall, for the residents of Verena at Gilbert, Mariposa Point of Gilbert and the Acero Project thus prompting the request for a Separation Fence Modification to the northern required separation fence.

FINDINGS

The Planning Commission is required to make six (6) findings in order to approve a Separation Fence Modification request. The findings are listed here, along with the reasons why staff considers that the findings are or are not met in this case. These findings are:

1. The proposed modification will not be detrimental to health, safety, or general welfare of persons living or working in the surrounding area, to adjacent property, to the neighborhood, or to the general welfare of the town as a whole;

The proposed fence modification impacts two (2) existing developments that are also residential in nature, as the subject site is. The subject site has a 20' landscape buffer from the proposed fence and as seen in the photo below, the other developments also have landscape buffers providing ample separation and creating an aesthetically pleasing space for all residents. The proposed view fence is similar in design to the existing view fence located on the Verena at Gilbert development.



2. The proposed modification conforms with the purposes, intent, and policies of the General Plan and any applicable area, neighborhood, or other plan adopted by the Town Council;

The proposed modification is consistent with General Plan Community Goal 5: Provide diverse high quality housing, and more specifically Policy 9: In areas of the Town that have a consistent design character, encourage the design of new development to maintain and support the existing character and Policy 15: Provide a variety of well-designed and maintained public and private parks and open spaces that will encourage and support community interaction and recreational activity for all ages.

The proposed modification provides a visual effect consistent with the existing character of the area and promotes unique design to provide visual interest along the norther boundary of the development.

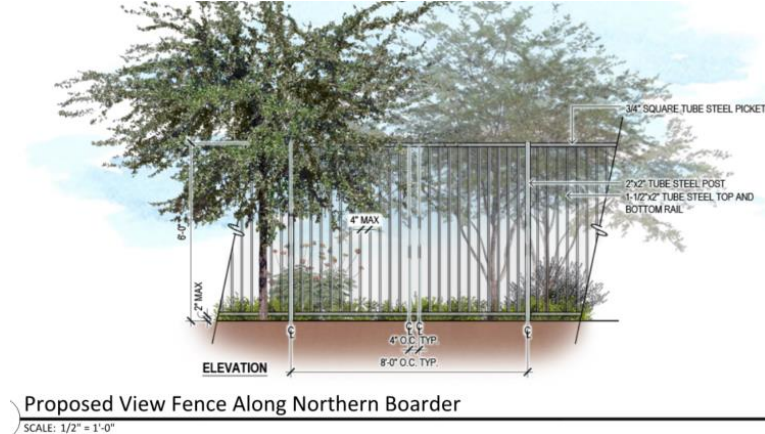
3. The proposed modification conforms with all other conditions, requirements, or standards required by the Zoning Code and any other applicable local, state, or federal requirements;

As proposed, the development is consistent with all other conditions, requirements, or standards required by the LDC and any other applicable local, state, or federal requirements.

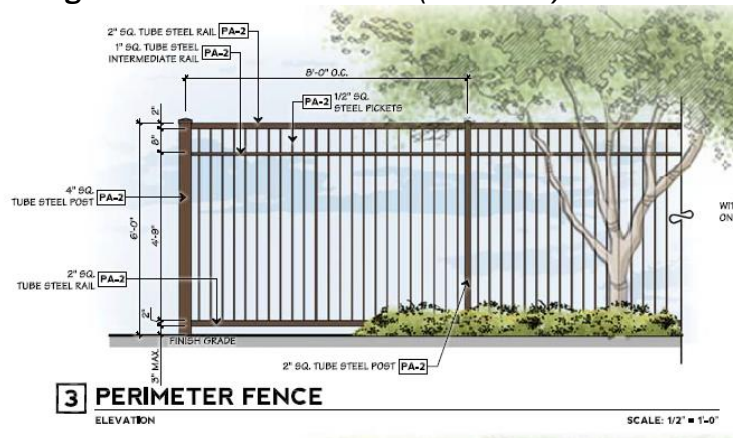
4. The project is compatible with adjacent and nearby development;

The proposed view fence for the subject site has been designed in a manner that reflects and complements the existing fence located on the southern boundary of the Verena at Gilbert development. The proposed 6' view fence, will match the height and fence type of the adjoining development creating a consistent visual appearance to nearby developments.

Proposed Fence Acero Val Vista (Subject Site)



Existing Fence Verena at Gilbert (DR16-36)



5. The owners of a majority of all real, contiguous property that are subject to the separation fence requirements have approved modification of the separation fence requirements by submitting a notarized letter of approval, along with a site plan depicting the location of the separation fence to be modified, to the Director of Planning;

The applicant has provided a notarized letter of approval from the adjacent property owners. These letters are included in the case file.

6. The separation fence is not a condition of a Final Design Review or a use permit approval as set forth in Section 4.109D.1: Requirement.

The separation fence is not a condition of approval in the approved Final Design Review.

Pursuant to the above analysis, Staff believes the project meets the six (6) findings required for granting the separation fence modification request.

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, an official notice was posted in all the required public places within the Town and neighborhood notice was provided per the requirements of the Land Development Code Article 5.205.

Staff has received no comment from the public.

STAFF RECOMMENDATION

Make the Findings of Fact and approve FM20-03, Acero Val Vista Separation Fence: FM20-03 ACERO VAL VISTA SEPARATION FENCE: Request to approve modifications to separation fence requirements to allow a 6' view fence on the northern boundary of the subject site on approximately 13.41 acres, generally located at the northeast corner of the Melrose Street alignment and Quartz Street, and zoned Multi-Family/Medium (MF/M), subject to the following conditions.

1. The Project shall be in substantial conformance with the site plan and wall detail shown on the Exhibits provided under Attachment No. 4.

Respectfully submitted,



Sydney Bethel
Planner II

Attachments and Enclosures:

- 1) Findings of Fact
- 2) Notice of Public Hearing/Vicinity Map
- 3) Aerial Photo
- 4) Exhibits
- 5) Applicant's Narrative

**FINDINGS OF FACT
FM20-03, Acero Val Vista Separation Fence**

1. The proposed modification will not be detrimental to health, safety, or general welfare of persons living or working in the surrounding area, to adjacent property, to the neighborhood, or to the general welfare of the town as a whole;
2. The proposed modification conforms with the purposes, intent, and policies of the General Plan and any applicable area, neighborhood, or other plan adopted by the Town Council;
3. The proposed modification conforms with all other conditions, requirements, or standards required by the Zoning Code and any other applicable local, state, or federal requirements;
4. The project is compatible with adjacent and nearby development;
5. The owners of a majority of all real, contiguous property that are subject to the separation fence requirements have approved modification of the separation fence requirements by submitting a notarized letter of approval, along with a site plan depicting the location of the separation fence to be modified, to the Director of Planning;
6. The separation fence is not a condition of a Final Design Review or a use permit approval as set forth in Section 4.109D.1: Requirement.

FM20-03: Acero Val Vista
***Notice* (Attachment 2 - Notice of Public Hearing/Vicinity Map**

PLANNING COMMISSION DATE:

Wednesday, December 2, 2020* TIME: 6:00 PM

LOCATION: Due to the impacts of the COVID-19 pandemic, all public meetings will be conducted using measures to protect public health until further notice. Please refer to the meeting agenda for methods of public participation, as permitted under Arizona state law.

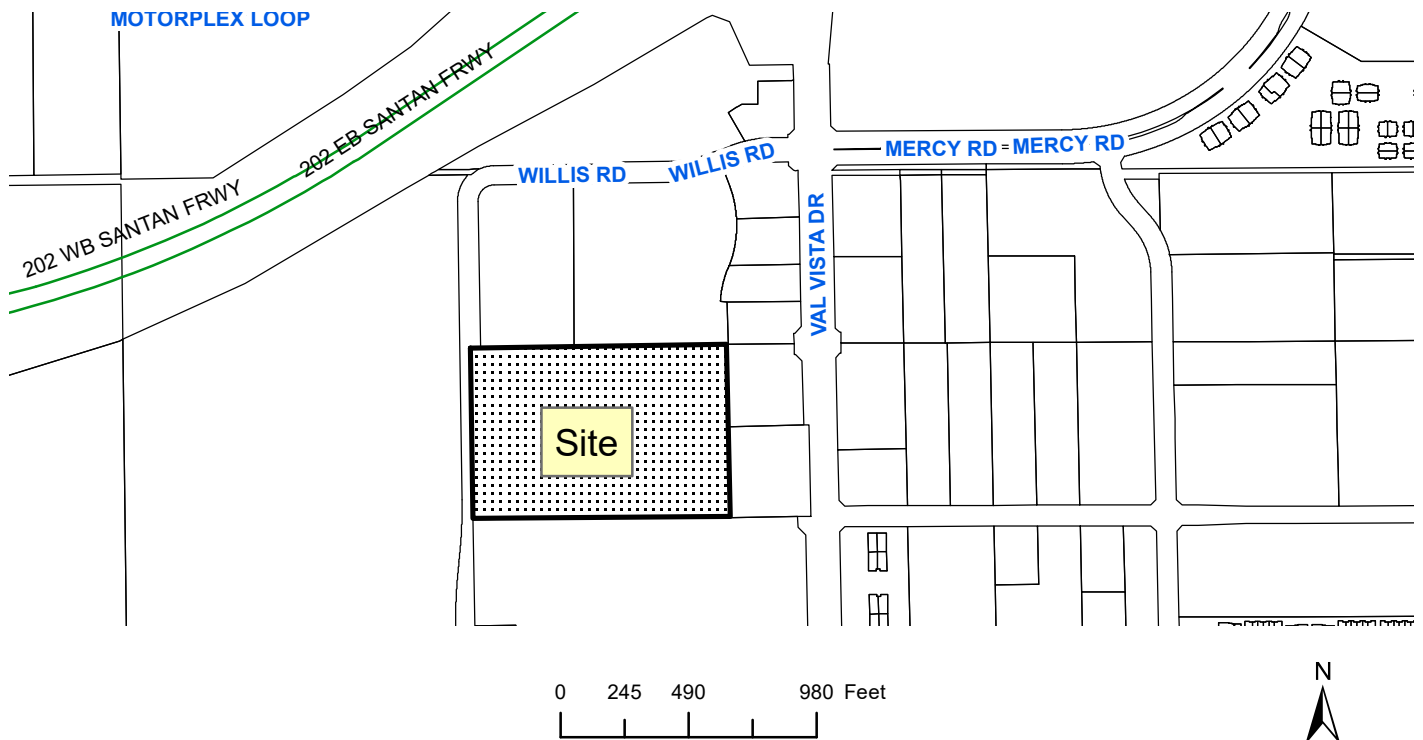
*Call Planning Division to verify date and time: (480) 503-6721

* The application is available to the public for review at the Town of Gilbert Planning Division Monday - Thursday 7AM - 6PM. Staff reports are available prior to the meeting at www.gilbertaz.gov/departments/development-services/planning/planning-commission and www.gilbertdocs.com/gilbertagendaonline.

REQUESTED ACTION:

FM20-03 ACERO VAL VISTA SEPARATION FENCE: Request to approve modifications to separation fence requirements to allow an 6' view fence on the northern boundary of the subject site on approximately 13.41 acres, generally located at the northeast corner of the Melrose Street alignment and Quartz Street , and zoned Multi-Family/Medium (MF/M).

SITE LOCATION:

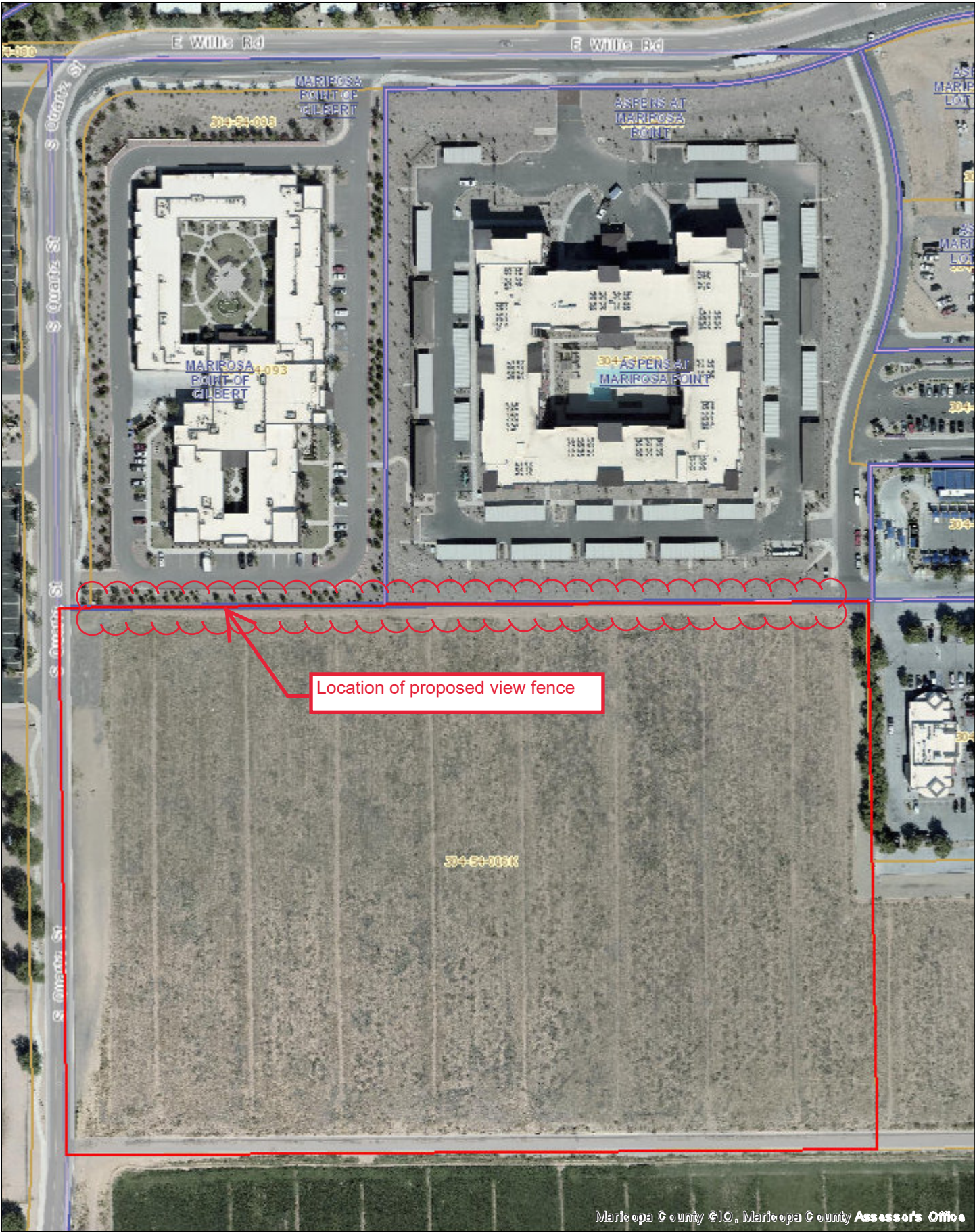


APPLICANT: IDM Companies
CONTACT: Andrew Busching
ADDRESS: 6720 N Scottsdale Road, Suite 200
Scottsdale, AZ 85253

TELEPHONE: (480) 977-3457
E-MAIL: andrew.busching@idmcompanies.com



APN 304-54-016K



FM20-03: Acero Val Vista
Attachment 4 - Exhibits

PROJECT DATA

OWNER: IDM APARTMENTS PHOENIX
6720 N SCOTTSDALE RD, SUITE 200
SCOTTSDALE, AZ 85253
ATTN: ANDREW BUSCHING

ARCHITECT: BMA ARCHITECTURE
2915 E BASELINE RD, SUITE 120
GILBERT, AZ 85234
ATTN: BRIAN M ANDERSEN, AIA

SITE DATA
ADDRESS: NEC MELROSE ST & QUARTZ ST
GILBERT, AZ

APN NUMBER: 304-54-016H

SITE AREA (GROSS): 14.886 ACRES (648,433 S.F.)
SITE AREA (NET): 13.41 ACRES (584,450 S.F.)

CURRENT ZONING: MF-M

PROPOSED USE: MULTIFAMILY - APARTMENTS

| PERIMETER BUILDING SETBACKS | REQUIRED | PROVIDED |
|-----------------------------|----------|----------|
| FRONT (MELROSE ST) | 30' | 30' |
| SIDE STREET | 30' | 30' |
| SIDE NON RESIDENTIAL | 20' | 20' |
| REAR NON RESIDENTIAL | 20' | 20' |

| PERIMETER LANDSCAPE AREA DEPTH: | REQUIRED | PROVIDED |
|---------------------------------|----------|----------|
| FRONT (MELROSE ST) | 20' | 20' |
| SIDE STREET | 20' | 20' |
| SIDE NON RESIDENTIAL | 20' | 20' |
| REAR NON RESIDENTIAL | 20' | 20' |

| SEPARATION BETWEEN BUILDINGS | REQUIRED | PROVIDED |
|------------------------------|----------|----------|
| MINIMUM | 20' | 20' |

| GROSS PARKING | # UNITS | SPACES REQ'D | |
|-----------------|---------|--------------|------------|
| REQUIRED: | | | |
| 1 BEDROOM UNITS | 148 | x 1.0 | = 148 P.S. |
| 2 BEDROOM UNITS | 168 | x 2.0 | = 336 P.S. |
| 3 BEDROOM UNITS | 12 | x 2.0 | = 24 P.S. |
| GUEST | 328 | x .25 | = 82 P.S. |
| REQUIRED TOTAL: | | | 590 P.S. |

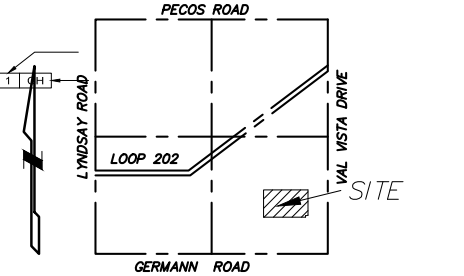
| MIN COVERED PARKING: | SPACES REQ'D | |
|---------------------------|--------------|------------|
| GROSS UNITS | 328 x 1.0 | = 328 P.S. |
| ENCLOSED PARKING (GARAGE) | 328 x .25 | = 82 P.S. |

| ACCESSIBLE PARKING: | REQUIRED: | |
|---------------------|-----------|---------|
| | | 12 P.S. |

| PROVIDED: | | |
|-----------------|--|---------------------|
| OPEN STALL | | = 227 P.S. |
| CARPORT STALL | | = 312 P.S. |
| GARAGE | | = 83 P.S. |
| PROVIDED TOTAL: | | (1,896 :1) 622 P.S. |

| BICYCLE PARKING: | | |
|----------------------|--|-----------|
| REQUIRED: | | 1:10 = 62 |
| PROVIDED: | | 50 |
| REQUESTED REDUCTION: | | 12 |

| LEGEND: | |
|--|--|
| BUILDING NUMBER | |
| BUILDING TYPE | |
| BUILDING TYPE 1-3 STORY (12-1BR, 12-3BR) | |
| BUILDING TYPE 2-3 STORY (12-1BR, 12-2BR) | |
| BUILDING TYPE 3-3 STORY (24-2BR) | |
| BUILDING TYPE 4-2 STORY CARRIAGE (2-1BR) | |
| BUILDING TYPE 5-3 STORY (12-1BR, 12-2BR) | |



VICINITY MAP

PRELIMINARY SITE PLAN

SCALE: 1" = 50'-0"

SITE KEY NOTES

6'-0" VIEW FENCE

PROPOSED NEW MULTI-FAMILY DEVELOPMENT FOR:

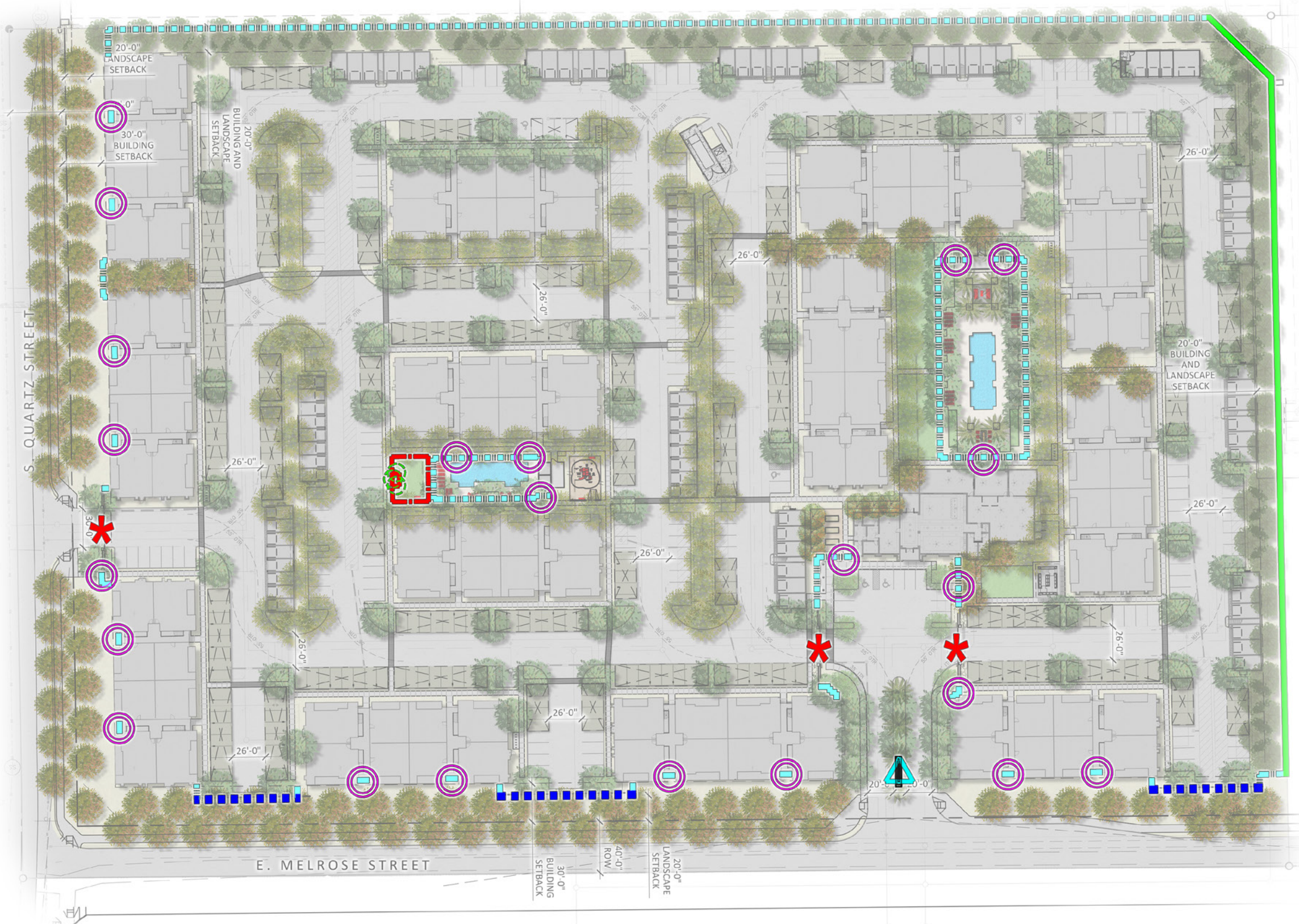
IDM
ACERO VAL VISTA
NEC MELROSE ST (PROPOSED) & QUARTZ ST
GILBERT, AZ

dwg name: SEPARATION FENCE
MODIFICATION SITE PLAN

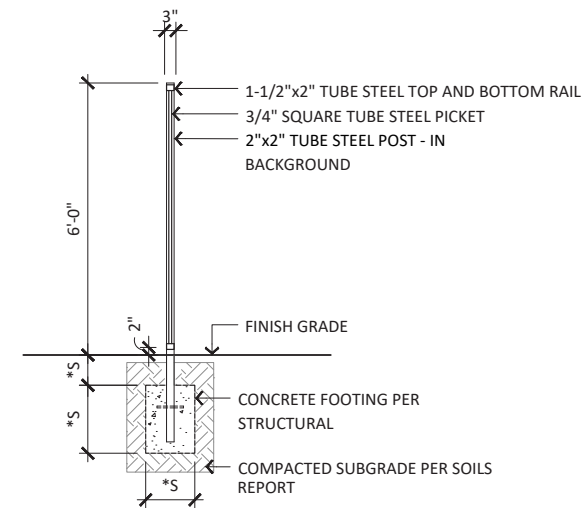
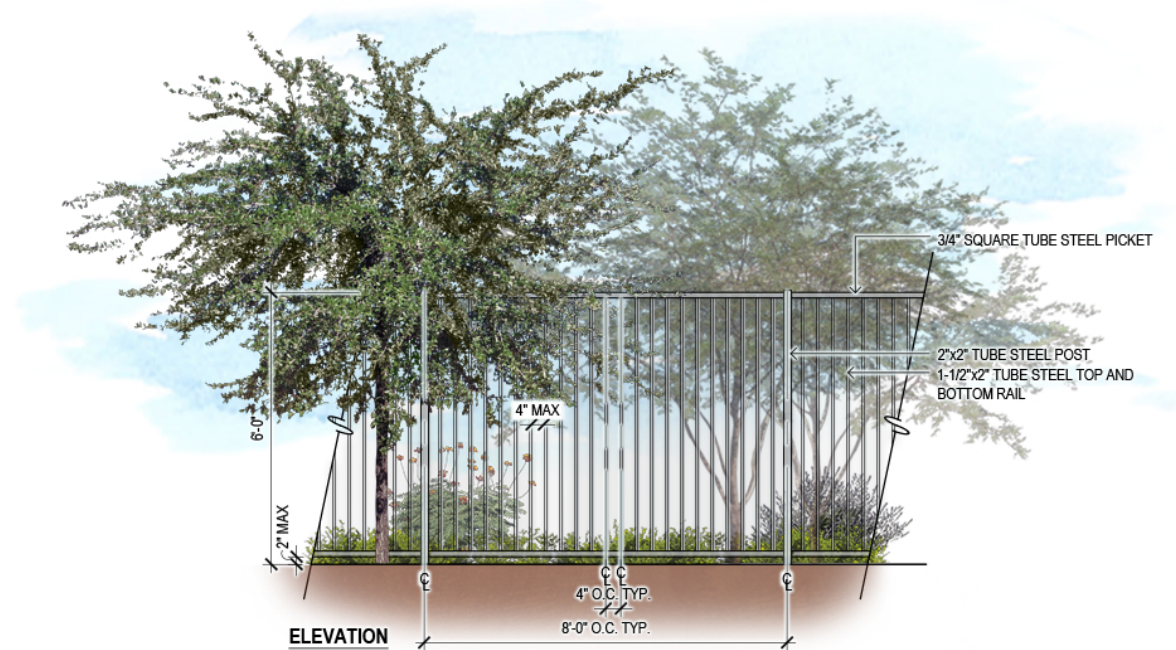
dwg no: EXH 5

date: 8-19-2020

job no: 2019.16 log no: PDR-2020-00058



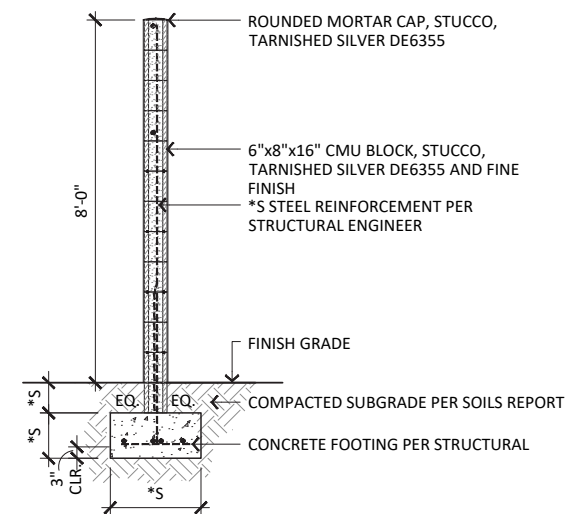
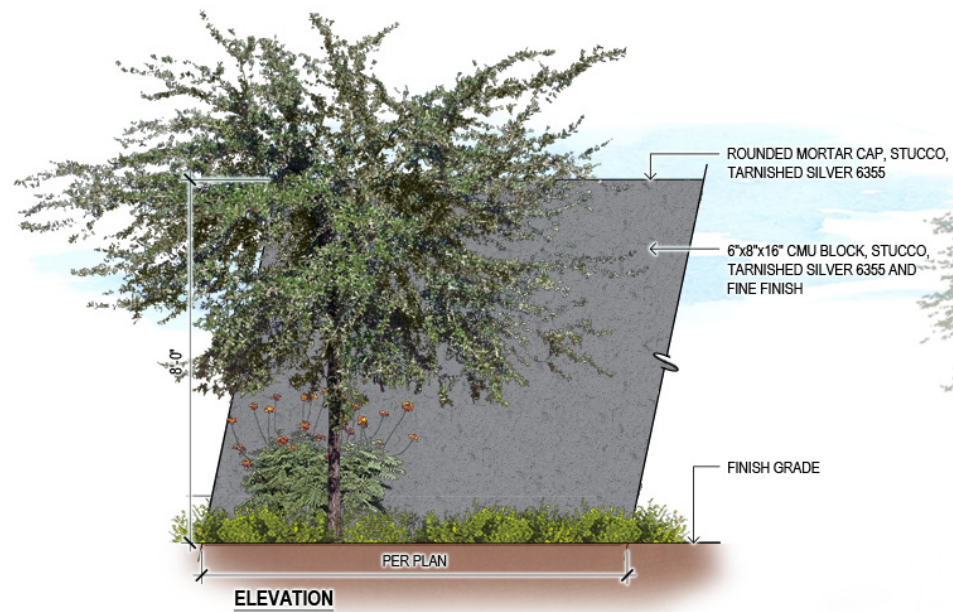
| WALL LEGEND | | | |
|-------------|--|----------------------|----------|
| SYMBOL | DESCRIPTION | DETAIL | QTY. |
| | 8'-0" THEME WALL | DETAIL 3, SHEET L6.1 | 613 LF |
| | 6'-0" PARTIAL VIEW WALL | DETAIL 5, SHEET L6.1 | 278 LF |
| | 6'-0" VIEW FENCE/ POOL FENCE | DETAIL 1, SHEET L6.1 | 1,883 LF |
| | 5'-4" DOG PARK FENCE | DETAIL 4, SHEET L6.1 | 148 LF |
| | VEHICULAR ENTRY | DETAIL 1, SHEET L6.2 | 3 EA |
| | ENTRY MONUMENT LOCATION MONUMENT AND SIGNAGE UNDER SEPARATE SUBMITTAL | | |
| | PEDESTRIAN GATE | DETAIL 2, SHEET L6.1 | 22 EA |
| | DOG PARK GATE | DETAIL 4, SHEET L6.1 | 3 EA |



STEEL COLOR
PAINTED
COLOR: SILVER LINED DE6353

Proposed View Fence Along Northern Border

SCALE: 1/2" = 1'-0"



Previously Approved Wall Along Northern Border

SCALE: 1/2" = 1'-0"

SEPARATION FENCE MODIFICATION

PROJECT NARRATIVE

ACERO VAL VISTA

NEC MELROSE STREET (PROPOSED) & QUARTZ STREET

Submitted by:

Acero Val Vista c/o IDM Companies
6720 North Scottsdale Road, Suite 200
Scottsdale, Arizona 85253
Contact: Andrew Busching
andrew.busching@idmcompanies.com

PROJECT OVERVIEW

The subject property is located at the northeast corner of proposed Melrose St and Quartz St and encompasses approximately 14.886 gross acres of vacant land (the "Property"). The Property is currently zoned MF-M (multi family – medium).

The proposed development is a residential rental community that is current, relevant and integral to Gilbert's live, learn, work, and play community. The planned 328-unit luxury residential community is close proximity to Loop 202 and is uniquely placed in a jobs orientated core within the desirable Gilbert submarket. The Project will appeal to working professionals, employees, and young families that desires a unique, amenity rich, and pedestrian friendly lifestyle near major employment hubs and distinctly local restaurants and retail. This project provides a needed housing option that is currently underserved in this area.

The luxury community will include a clubhouse with business and lounge area, swimming pool and spa, an outdoor lounge, barbeque areas, a fitness center, and recreation area. Other amenities provided around the property are children's play area, barbeque areas, covered seating areas, dog park, and a recreational gathering area.

SEPARATION FENCE MODIFICATION REQUEST

During plan review, it was discovered that Section 4.109 A.2.b. of the Town Land Development Code would apply. Section 4.109 A.2.b. reads as follows:

"A separation fence is required when a multi-family residential use is adjacent to a single family residential district or use or a nonresidential district or use. The fence shall be 8 feet in height and located on a property line and outside of any required landscape area. The Planning Commission may modify these requirements pursuant to Section 4.109G: Modification of Separation Fence Requirements."

We do appreciate that the Town of Gilbert was proactive by including language in the Land Development Code to require an 8-ft. fence to separate certain uses from potentially incompatible adjacent uses. The most common obvious usage of this Code provision is between a commercial center and a single-family neighborhood. In this case, while the Acero Project has MF/M zoning and the adjacent properties to the north have RC zoning, there are no actual use incompatibilities. An 8-ft. wall along the northern boundary is not necessary in this circumstance. We will illustrate by inserting the actual uses into the fence separation text below to illustrate why we believe a variance is warranted here.

A separation fence is required when a multi-family residential use (the Acero Project) is adjacent to a single family residential district or use (there is no adjacent residential use) or a nonresidential district or use (the two properties to the north of the Acero Project are zoned RC-Regional Commercial but operate as multi-family communities). The fence shall be 8 feet in height and located on a property line and outside of any required landscape area."

This unique combination and proximity of uses and zoning are not incompatible and do not exhibit any characteristics that are objectionable. An 8-foot perimeter wall to separate these uses isn't necessary or appropriate.

PROPOSED SEPARATION

Currently, the Verena at Gilbert project is fenced using an approximately 6' tall view fence and the Mariposa Point of Gilbert project is unfenced (see attached photos). IDM Apartments is proposing to install a 6' view fence similar to the fence surrounding the Verena at Gilbert project along the Acero Project's northern property line. Given the approved landscaping plan for the Acero Project, the view fence will be a more aesthetically pleasing option, as compared to an 8' tall masonry wall, for the residents of Verena at Gilbert, Mariposa Point of Gilbert and the Acero Project.

LAND DEVELOPMENT CODE AND FINDINGS OF FACT

This application is simply a request to install a six foot (6') tall view fence in lieu of an eight foot (8') tall CMU wall along the property boundary separating the Acero project from adjacent residential uses. The reason this request is even required is that the adjacent residential uses are zoned RC and not multi-family residential.

Given the fact that the Acero project and the adjacent uses are also residential in nature, an 8' wall is unnecessary, would be intrusive and arguably an inappropriate height for this location.

Six Findings of Fact:

a. The proposed modification will not be detrimental to health, safety, or general welfare of persons living or working in the surrounding area, to adjacent property, to the neighborhood, or to the general welfare of the town as a whole;

As mentioned above, the proposed view fence will separate the Acero project from adjacent residential uses, some of which are already access-controlled by means of a similar view fence. The use of a view fence would not be detrimental to the health, safety or general welfare of the residents of the Acero project or the adjacent residential facilities. .

b. The proposed modification conforms with the purposes, intent and policies of the General Plan and any applicable area, neighborhood, or other plan adopted by the Town Council;

The need for the 8-ft. wall is solely as a result of the zoning classifications of the adjacent land and not as a result of incompatible uses. As evidenced by the fact that Verena at Gilbert (formerly known as Aspens at Mariposa Point) is fenced using a view-fence allowing a view fence for the Acero Project clearly conforms with the purposes, intent and policies of the General Plan and the Town of Gilbert.

c. The proposed modification conforms with all other conditions, requirements or standards required by the Zoning Code and any other applicable local, state, or federal requirements.

This is correct.

d. The project is compatible with adjacent and nearby development;

The Acero Project has been through both a full rezoning case and Planning Commission Design Review and has received approval through both processes. Given the adjacent residential uses and the nearby schools, the Acero Project is compatible with developments in the area.

e. The owners of a majority of all real, contiguous property that are subject to the separation fence requirements have approved modification of the separation fence requirements by submitting a notarized letter of approval, along with a site plan depicting the location of the separation fence to be modified, to the Director of Planning;

The applicant has contacted the owners of both Verena at Gilbert and Mariposa Point of Gilbert and has received written support of both adjacent owners.

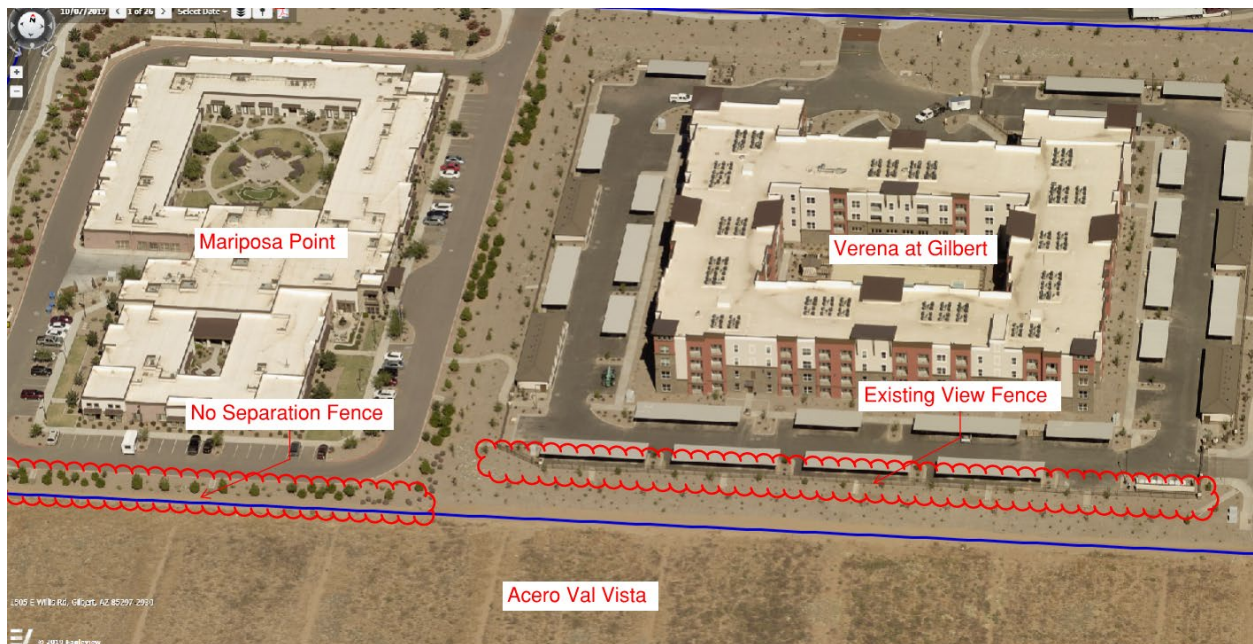
f. The separation fence is not a condition of a Final Design Review or a use permit approval as set forth in Section 4. 109D. 1: Requirement.

The installation of an 8' high wall was not a condition of Final Design Review.

View of Mariposa Point and Acero Val Vista Properties from Quartz St
(Looking East)



Aerial View of Acero Val Vista, Mariposa Point and Verena at Gilbert



Enhanced Aerial of Verena at Gilbert View Fence

